



State of California
Respiratory Care Board
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July 23, 2001

Inquiry: Over the past year our hospital has been having problems in hiring enough staff to cover shifts (12-hours shifts). All of the current staff has been covering the shifts that were not covered. Due to low wages and high work loads, new hires quit or decide not to work at this facility. The question we have is the hospital's administration has threatened us with the loss of our license on the grounds of patient abandonment to force us to stay and work overtime shifts because they cannot find coverage for that particular shift? The union (Local 228 Teamsters) says that state law forbids forced overtime, in a non-disaster situation. The hospital is aware of our staffing needs and refuses to address it and expects our staff to continue to pick up the non-scheduled shifts with threats. We need to know our rights and course of action from the Respiratory Care Board.

Response: In response to your inquiry regarding RCPs being required to do overtime, please be advised that the RCB does not have the authority to sanction the hiring or firing of hospital employees. Each organized health care system is responsible for establishing these guidelines within their respective systems.

In addition, Section 3758 of the Business & Professions Code states:

"Any employer of a respiratory care practitioner shall report to the Respiratory Care Board the suspension or termination for cause of any practitioner in their employ. The reporting required herein shall not act as a waiver of confidentiality of medical records. The information reported or disclosed shall be kept confidential except as provided in subdivision (c) of Section 800, and shall not be subject to discovery in civil cases."

Further, employers are subject to an administrative fine of up to \$10,000 for failure to make a report as required.

Upon notification of suspension or termination, the RCB investigates the cause and determines what action, if any, will be taken against RCP's license. The RCB retains the sole decision of who will lose their license to practice respiratory care in the State of California. The RCB advises you to obtain competent legal counsel in order to evaluate these provisions and how they relate to the issue described above.

Reference # 2001-C-26